

6/6/2016

To: All Bass Lake Township Board Members

Gentlemen:

I wish this letter to be read at the July 11th meeting prior to voting on the passing of the Ordinance. I am asking for a motion for an amendment to improve on a flawed ordinance, that may have legal consequences and move to refer questions to a committee for study and development for a better proposal or move to postpone indefinitely to give the board a choice to reconsider different options for it's critical parts.

The decision to vote to pass this ordinance at this meeting should be overturned on legal grounds. If the board members won't do that, at least board member(s) who object, should make sure that their NO vote is recorded in the minutes. Later, if a lawsuit is brought against the board, they will be protected if they have voted BY NAME and have been recorded as opposed. After the vote has been recorded, simply say "Please put my name into the minutes as having voted NO on this motion. When the minutes are issued, check to see if your vote has been recorded properly.

We have consulted legal advice, and the ruling of the judge reflects the State of WI. law. There was no knowledge or oversight by any other governing body until the issue of ownership vs trespass was presented for clarification. Grandfathering rights apply to all. The nine who appeared had a VOICE to present their situation, but the ruling applies to all residents who abut to the public access strip equally. All, including the Town of Bass Lake, must comply with the ruling by law, not just a chosen few.

"Abandonment" of these lands by Bass Lake Township would release their management and policing obligations to the property owners abutting the public access strips. No headaches, expense, or liability. A win-win for all!

Respectfully,  
Kathleen Fitzgerald

**Erica Warshawsky**

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**From:** "Paul Ostroot" <conservationstrip@gmail.com>  
**Date:** Tuesday, June 21, 2016 10:15 AM  
**To:** <ericaw@basslakewi.gov>  
**Subject:** Letter from Kathy Fitzgerald

Hi Erica - Kathy has a little trouble with computers so she asked me to send you another copy of this letter in case hers doesn't come through. Thanks

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Bass Lake Township Board Members

Gentlemen:

It is a widely held belief that you are attempting to cast off the Northwoods Beach property owners at the upcoming meeting in July, and who have so much at stake but being allowed so little time (1/2 hr.) to ask questions or voice concerns about your proposed new ordinance, even though BLT has taken years - and this particular board - many months to even begin to declare concern about the public access strip (PAS) issues and "ownership rights."

\* Secondly, it needs to be pointed out that in your most recent rendition in creating an ordinance, you have refrained from making any reference to the judicial determination in the court case of 1967 which protects some - if not all - public access strip property owners in perpetuity through grandfathering rights. The verbiage used in authoring the ordinance may best begin with a statement acknowledging that 'notwithstanding the exceptions described in the court ruling, etc., the following ordinance complies with the State of WI. Laws of the Land and DNR rules and regulations, and to which said ordinance intends to address, comply, and enforce those protections which impact the health, safety, vegetation and shoreline integrity of our lakes, most specifically addressing Northwoods Beach subdivisions and their Public Access Strips and Access Roadways'.....etc. Again, the court's ruling and protection needs to be referenced in the ordinance, perhaps as Mr. Winton described it in his letter of June 10.

\* In reviewing the Stipulations, it seems that it was the town board who chose to find non-contending residents "in default" likely based on the absence of their response to the court's letter of notice and consequently the judge narrowed the defense according to the board's request and for no other known legal reason. Other legal strategies could have been considered to mitigate that outcome to include all PAS property owners. I believe this decision can be re-visited, as precedents of this nature are on record.

\* Thirdly, now - as before - we take issue with any and all permits that were granted by the county, now declared to be encroaching on public access strips, and further that these declarations were made after a recent and suspect/flawed survey ordered by BLT, and after so many decades of "sleeping on the statutes," absent of oversight, education of the public, due process via informational documents required of all realty boards at time of sales of homes, etc., and the BLT's lack of involvement on loitering, dumping, theft and other destructive activities along these strips, including eco-management of the land and vegetation, of which you have declared you - BLT - are the "owners." And yet now, instead of good will and fair play, you have created a disrespectful, unprofessional, unjustified, dictatorial ultimatum...1/2 hr to speak as a community -like it or lump it! There's still time for you to make this right. You promised 2 meetings, with your vote most likely to occur in August. That would give more folks opportunity to attend and to ask questions. Questions should be a good thing...the answers help educate and secure cooperation. Why not be respectful and give this time back to the community.

6/21/2016

\* As to the item of grandfathering, we are mutually aware that responsibility for disturbing the integrity of the land can become compromised in the process of removal of certain long-standing structures such as fences, boat houses, "trolleys," and we trust mitigation of this kind of impact will be a #1 priority for all concerned in the decision making process. This responsibility goes both ways. As it is stated in the stipulations, you were to manage these lands (on some kind of reasonable schedule?...not once or twice in nearly 50 yrs.) There have been problems here and there but overall good stewardship was the practice.

\* The high water levels ravaging some shoreline areas are an example of lack of monitoring/management of the Billy Boy Dam. Who's responsibility is it to prevent such high water level destruction? It appears it must be an on-going effort. Some repairs may fall to the BLT, will they not? Under a watchful eye, the erosion degradation could likely have been prevented. It was agreed in the stipulations, (#5) that the Township assumes full responsibility for policing and managing the lands approved for public use. It is now irreversible, and the band-aid is very costly. At more than a foot per year, the landowners (that's you) need to take action. We suggest the ordinance include that residents along the PAS are encouraged to report shoreline degradation immediately and the Township take appropriate measure to shore up and secure the area in a timely manner.

\* As stated in the language of the ordinance, certain structures existing on the PAS

will be addressed on a case-by-case basis. We believe in the interest of equity in fairness and good faith, that each case be allowed to participate in the appeal with the support of 2 friends/neighbors with whom the property owner feels most confident and helpful in assisting in mediation and resolution. This would most likely prove to be a win-win for all and less daunting for the property owner in question. Also, concerns of prejudicial treatment and enforcement will more likely be mitigated throughout the process.

\* Keep in mind that in the decades of delay and inaction, circumstances have changed, witnesses and evidence to verbal and written agreements have been lost or are no longer available, and it is no longer a just resolution to "punish and fine" the grandfathered property owner who has lacked knowledge of any of the demands and restrictions that you are only now officially making known to them by the passing of an ordinance. Until recently, you have been accountable by omission - the omission of information in a timely manner - on many levels. But recently someone has cut some trees, of which we all regret. This is your typical case-by-case example. Conversely, we do not want to live with the feeling that the gestapo has taken over our Northwoods Beach community!

\* Over all, we have all been good stewards, mindful of our obligations to maintain nature at its best and most natural state, whether we own to the water's edge or not. As a resident of Northwoods Beach for 60+ yrs., I appreciate having you consider the points that have been submitted above in reviewing the ordinance as its mandates will come full circle...since the Bass Lake Township must abide by them as well.

Respectfully,

Kathleen Fitzgerald

Concerned Conservation Strip Committee (CCSC) Co-Chair

ericaw@basslakewi.gov



**Erica Warshawsky**

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**From:** "Kathleen Fitzgerald" <fitzgeraldproductions@yahoo.com>  
**Date:** Saturday, June 25, 2016 10:24 AM  
**To:** <ericaw@basslakewi.gov>  
**Subject:** Fw: Letter to BLT Board and Public Access Strip Property Owners: Judicial Decisions vs proposed Ordinance vs "Abandonment" - a Review/Update

On Saturday, June 25, 2016 12:31 AM, Kathleen Fitzgerald <fitzgeraldproductions@yahoo.com> wrote:

An Open Letter to Mr. Justin Hall and All Bass Lake Township Board Members  
and All Northwoods Beach Property Owners Abutting Public Access Reserve Strips

BLT Board Members and Northwoods Beach Neighbors:

Historically, in the court case of 1967, when my Dad and other neighboring residents along the Public Access Strip (PAS) differed in their expectations of what living there entailed -- the restrictions and obligations that affected their sense of privacy, safety and reasonable, anticipated liability issues as to the public use of their stairs and doc, they agreed to obtain a "judicial decision" to attempt to correct the problem and **ONCE** and for all to settle the encroaching trespass vs. private property issue. Some folks, some kids, thought they had every right to cut across your yard to get to the water. Truthfully, we did sympathize, but trouble came with some of the

*Posted on Website 6/30/16*

6/30/2016

'visitors.'

It seemed at that point, no one was even aware that the PAS was under the management of BLT. Surprise surprise! One of our neighbors was so astonished by all this, that he approached the court to appeal for adverse possession! He couldn't believe the Township had a right to make any decisions; after all... we had the state law for that. So the judge explained to the neighbors who were able to attend the hearing, all about how the BLT was in charge of policing and managing issues pertaining to the PAS. OK...next was to decide what was to be done about the problems that came with the visitors...

Education of the public has now finally been imposed by way of the court mandates as to the 3 Rs: rights, responsibilities, and restrictions. So, we do NOT have to re-invent the wheel...We and the BLT now know what is required according to the State of WI. Laws of the Land and these laws have remained steadfast!

The judge had made it clear that since there was no apparent oversight of the BLT up to that point, and that unless it was a health, safety, vegetation debris or erosion hazard, we were all "grandfathered in" as to our stairs, boat houses, trolleys, docks, and fences, within the parameters, of course, of the State of WI Law.

(Many times, in the old ways of doing things, plans were explained or sites sometimes visited, and a verbal agreement and handshake was all it took to go ahead with an idea or plan. Nothing on paper...no permits necessary.)

As owners, the Wise Bros.'s plan for a  
"Northwoods Beach" sub-division - at their

## discretion - put aside sub-standard

parcels as they measured along at the irregular shoreline. The sub-standard parcels, roads and (PAS) roadways supposedly then defaulted to the Township to 'manage.' Thankfully, they left most of it 'natural' and unobtrusive.

It has been said that the Township's objectives were to maintain this natural setting with little - if any - encouragement promoting an increase in human impact on the lakes. We applaud that objective and wish to sustain it.

However, the BLT could be accused of going contrary to protective laws to now demand the removal of any structures which may "compromise the integrity of the slopes," e.g. fences, boat houses, trolleys, docks. We propose, therefore, that the BLT Board take another long hard look at the prospective ordinance and reconsider some "Blanks in the critical components" of 'demands to remove items' and subsequent 'enforcement and penalties.' We especially take issue with your enforcement protocol. This item needs to be revisited and a special advocacy panel put in place to assist in mitigating damage without prejudice.

We ask that you initiate a motion for an amendment for the purpose of improving the language of the ordinance and to refer these questions to a committee that includes residents, for the study and development of an improved proposal reflecting the laws of the State of WI. Either that, or move to postpone indefinitely to give the board a choice of different options, possibly "Abandonment" to the PAS property owners abutting the PAS or - conversely - a PAS resident-committee to assist in authoring an ordinance without discrimination, according to the standing laws of good stewardship as mandated by the court ruling, the DNR, and the State of WI. Laws of the Land. As it reads now, it is a flawed document riddled with legal argument.

Respectfully,

Kathleen Fitzgerald, CCSC Co-Chair

**Erica Warshawsky**

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**From:** "Paul Ostroot" <conservationstrip@gmail.com>  
**Date:** Monday, June 27, 2016 3:26 PM  
**To:** <ericaw@basslakewi.gov>  
**Subject:** Erica - Letter to be read at July 11th, 2016, Meeting and Published in Town of Bass Lake Website

Hi Erica, Eddie Packee asked me to help get this letter on the BLT Website and have it read at the Supervisors meeting.

If there are any problems, please let me know.

Thanks!

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I am unable to attend the meeting regarding the proposed ordinance but would like the following entered into the administrative record at the meeting on July 11<sup>th</sup>, 2016.

To Whom it May Concern:

The proposed ordinance appears to be using very serious issues like water quality and lake ecosystem health to push an agenda to return the lake shores to an idealized pre human state of nature that may or may not have ever existed. As a professional with a significant amount of experience with water quality issues it is very difficult to see how such a narrowly targeted ordinance can improve water quality or ecosystem health in any meaningful way. If an ordinance is needed to protect the water quality and ecosystem health of the lake system, the provisions of the ordinance including permitting should be applied to all landowners along the lake instead of just to town property which is a very small fraction of the lake shore and located outside of the areas of the lake system where water quality issues have been identified. If the Town is serious about water quality, ordinances should be directed at preserving/enhancing native vegetation along the lake shore and within the riparian areas, prohibiting the use of fertilizers/herbicides/fungicides around the lake on lawns or vegetation, and requiring the conversion of septic systems to septage holding tanks for the properties around the lake starting with those proprieties that lie within 10 feet of the water surface and the properties around Musky Bay and Barber Bay where poor circulation causes nutrient loading to occur. Immediate improvements in water quality would be realized if the Town would provide velocity dissipation devices on its culverts that outfall into the lakes and waters and provide effective sediment controls along roadways to prevent sediment laden storm water from reaching the lake system via the roadside ditches and culverts.

My concern as a member of family that has owned and still owns property along the town reserve strip almost since platting in the 1930's is that the Town is now going to require a permit for use of the lakeshore. A permit, which may or may not be issued, is subject to renewal, modification, and/or revocation, and one can only assume will require the completion of paperwork and fee payment, is vastly different and not remotely equitable to the customary and historical use that landowners have enjoyed unencumbered by the Town since the court case was settled. The Town elected to allow all existing uses unencumbered following the settlement of the case and therefore has in fact authorized all existing uses by not objecting to them or otherwise asserting

their rights as owner. As such, the ordinance if passed will demonstrably devalue the properties adjoining the leave strip (unless the town is going to argue that their restrictions on stairways, lifts, number of docks, vegetation clearing, etc, all of which will require a permit of unknown duration and cost somehow increases the value of the properties. It should be noted that the Town reserve strip is such a valuable town asset that the Town has been content to not know exactly where it was located until it undertook a survey in 2015.

Since the Town is going to retroactively require the removal of improvements back to the date of subdivision platting (based on their stated understanding of the court case except for nine properties) the Town has by their own admission improperly assessed property value and improperly applied property tax rates for everyone except the nine along the leave strip. If all the properties including the nine were taxed at the same 'enhanced view' rate the Town has four options... (1) grandfather all existing exclusive uses and pass the ordinance for all lake properties including the town reserve strip, (2) pass the ordinance as is, which will bankrupt the Town because they will have to audit all the property tax records for the affected properties and provide revised assessments (as the inboard property owners by the Town's assertion (Letter from Mr. Nies dated 11-7-2015 pg. 4) have the same right to access the property as any member of the public so there is no apparent additional value added to the property by fronting the reserve strip), repay taxes plus penalties and interest to all property owners excluding the nine back to the date of subdivision platting for both improper valuation and improper rate application; (3) not pass the ordinance and let the issue die \*(this has been what past Town boards have done), or (4) transfer the property to the inboard owners and assess everyone lake front taxes. Contrary to the assertions contained in Mr. Nies' letter dated 11-7-2015, as long as the town retains selected platted road easements, public access to the lake shores and riparian areas on the lake system is available. I say selected platted road easements because unless the Town is going to invest in stairs public access over the steeper slopes would destabilize sandy soils which are notoriously difficult to re-stabilize following disturbance and which if destabilized would cause water quality impacts.

In the age of declining revenues to state and local government the Town should really do a cost benefit analysis of each option before passing the ordinance and include the cost of potential litigation.

I would encourage to Town board to vote to reject the ordinance as drafted and consider option (1) or (4) as long-term solutions to this issues.

Edmond C. Packee, Jr., PhD

Senior Scientist

*Certified Professional Soil Scientist*

*Certified Professional in Erosion and Sediment Control*

*Certified Professional in Storm Water Quality*

*Certified Erosion, Sediment, and Storm Water Inspector*

Travis/Peterson Environmental Consulting, Inc.

329 2nd Street

Fairbanks, Alaska 99701

Dear Mr. Justice Stone  
and all Good & True  
Townsley Good Members

I would like to inform  
you that I fully  
reapport the Western  
university of Pennsylvania,  
Edgewood, and  
Hawthorn Heights.

Present structures  
will as last house,  
stone, plaque etc.  
should be grafted  
in and allowed.

It feels worse  
with that remembrance

negotiation on the narrow  
strip. I am a guardian  
of the land and lake and  
so my family for  
many, many years.

Dear Mother and Pearl

last week purchased  
by my grandfather as a  
young man and has  
been passed down to  
me.

I was proud that  
you were there

Dear my Father  
I respect my Father  
and the legacy of respect  
you the people all that  
by Matthews Dear people

I do feel the necessity  
should be allowed to  
place the pens on the  
heaven land over the  
water. It would be  
an impossible task to  
carry them up the bluff-  
face.

Please correct me

mevaya.

Thank You,  
Patience Keller  
Pattersons Bend Lane



It is inconceivable that any governmental body might wish to depress real estate valuations that produce the taxes to provide necessary services.

But, the proposed measure regarding the reserve strip before us does just that.

1. The original action that launched the proposal stemmed from the cutting of trees on the reserve strip by one owner along the lakeside. As stated in the proposed ordinance, the DNR controls violations along the lakeside. Thus a new law to prevent tree cutting is not needed. Further, there is no emphasis on conservation measures assumed by the town that owns the strip in the proposed measure.

2. By dividing the development of the town into two time eras--before the map of the developers and after it existed, historical meaning is lost. Question: Whom is the strip reserved for?

In the era of the map, Colliers magazine gave away lots to the public in the area named Northwoods Beach by the developers. Thus, the real reason for the reserve strip--a concept that real estate developers fostered to encourage new owners of the free land to enjoy a lakeside beach. However, elevations of this imagined beach were not a factor on the map. Thus the fantasy of free land and easily accessible beach front lakeside to encourage development and an expanded tax role was born.

Most full-time residents on the strip still are asked for help in locating 30 or 60 foot lots from persons whose grandparents or parents have been paying taxes on "lakeside" adjacent lots. These people are invariably quite surprised by the elevation on the lakeside and the lack of a beach at the bottom by the water. The owners were led to believe by the magazine and developers that an expansive flat beach was nearby.

3. No pre-existing statutes have been cited for precedent of the proposed law. Do any exist? Earlier maps indicated no reserve strip.

Is the lack of codification of the strip the reason we are now presented with a complicated set of do's and don'ts on lists that will be retroactively applied to current owners?

The suggested fines are troubling in that they could be applied unevenly and personal grudges might be in play in using imposing fines in the future. In the past most of us had the city fathers walk on the land as we sought town and county legal permits to add homes to vacant lots or additions. In the 1967 lawsuit the goal was to add or maintain waterfront structures to permit year round improvements.

4. Lost in this discussion on the proposed law is the stress and unnecessary worry to current owners over implications of uneven application of the lists and fines and retroactive applications of a new law. Real estate valuations will undoubtedly be negatively impacted if owners cannot predict to future owners what may happen with a new group of elected officials who may change their minds seemingly without consulting home owners. Who wants to buy property like that?

In conclusion, the DNR is responsible for consultations on trees on the banks. Further, there is no practical way to reach the lake down a steep slope. There is no sand beach at the bottom beside the lake. The dreams of the developers on the oft cited map were an illusion to sell magazines and entice people to the Northwoods. Potential loss to real estate valuations is a real threat and could depress the town coffers.

Why a group of city fathers would intentionally insult and inflame a sizable group of law abiding citizens who pay hefty taxes is a mystery to us.

The proposal before you appears to be a law in search of a problem. After all, the concern of us all should be the protection and sustainability of the lakes. The current proposal appears to venture far afield from the conservation of the lakes.

We hope you will take our input seriously and not pass an ill conceived and potentially unenforceable measure. The current DNR's existing regulations and guidelines have been studied over long periods of time and provide adequate input for maintaining our lakes and lakeshores. They are also enforceable and should be enforced.

Sincerely,

Jane Schobel

Jim Schobel

Paul Ostroot

RECEIVED JUN 30 2016

Posted on website 6/30/16

Kathy Fitzgerald  
Tony Pfendt  
Marjie Frischmann  
Ron Frischmann  
Richard Laumer  
Carole Mickschl  
Billie Jo Sabin  
Carol Zimmerman  
Bill Zimmerman  
Larry Stress

**Erica Warshawsky**

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**From:** <tsmiller@chorus.net>  
**Date:** Friday, July 01, 2016 12:03 PM  
**To:** "Erica Warshawsky" <ericaw@basslakewi.gov>  
**Cc:** "Paul Ostroot" <conservationstrip@gmail.com>  
**Subject:** Proposed Ordinance Please forward to all board members

To all members of the Town of Bass Lake Supervisors:

We are very concerned about the proposed ordinance and the way this whole matter has been handled. When we purchased our property, the 1967 suit was noted and we were told that our stairs, deck, lift, etc could remain where they were. We have been stewards of this area, cleaning up the trash that may come in, and not disturbing the steep hill. .

We were under the impression that once a draft was complete there would be a hearing for possible changes, yet this has only been posted on the Town's website for us to discover. The Bass Lake Township has had 10 months to draft this ordinance and is only allowing one month to voice our opinion. Mr. Hall has stated earlier that he wanted to recover the value of the trees, not embark on huge ordinance and that looking at ownership was difficult. Why not ownership? A balanced group should be chosen to begin this task and hold off on the ordinance.

The reserve strip is not "usable" by any means. There is not a beach. How is the public going to use this area? The regulation and rules set by the DNR should govern lakefront property and the DNR should deal with anyone that does not abide by their rule and regulations. The area between the 35 foot wildlife strip and the owner's lot line should be treated no different than the area everyone has between the property line.

The ordinance states you need written permission to remove or cut anything, then states you could have 30 foot corridors, then points out other areas you can cut. This is cumbersome to apply and would not be practical. This could be applied at the whim of any official inspecting the property.

All structures on the strip should be grandfathered in. The 1967 lawsuit grandfathers in all pre 1967 structures unless you use the most restrictive interpretation of the 1967 ruling. All structures more than 10 years old are grandfathered in by state law. To remove these structures would be more damaging to the steep hill, much less the expense. We need the lake lift. It is a means for those that are handicapped to reach our pier. By removing it, I and some of our family would not be able to access our pier.

Retaining walls prevent erosion and should be allowed to be maintained. The existing walls are grandfathered in. Riprap is a type of retaining wall. The intent is to keep the steep hill in place. To remove these items that hold the steep hill in place is absurd.

The Town of Bass Lake should have the affected taxpayers to provide input in the ordinance, if this is to forward.

The Town of Bass Lake must vote "NO" to this ordinance and work with the affected property owners for a resolution that is positive for both parties. Pushing this ordinance through is not the answer.

Thank you  
 Tim and Sonia Miller

7/5/2016

**Erica Warshawsky**

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**From:** "Michael Hackbarth" <mike00h@yahoo.com>  
**Date:** Sunday, July 03, 2016 11:47 AM  
**To:** <ericaw@basslakewi.gov>  
**Cc:** <conservationstrip@gmail.com>  
**Subject:** Public Access Strip ordinance

I am unable to attend the meeting regarding the proposed Public Access Strip ordinance on July 11, 2016. I would like the following distributed to each board member, read out loud at the meeting, and entered into the administrative record.

To whom it may concern:

As a property owner impacted by the proposed Public Access Strip (PAS) ordinance, I continue to be disappointed with the representation and decisions made by the Bass Lake Township board members. Attempts are being made, once again, to pass an ordinance with respect to the PAS. History is unfortunately repeating itself and this is being attempted without consideration or collaboration of those it will impact - the people the board represents.

The board is taking action against a select few - those on the PAS. The ordinance claims that this is being done to protect the shoreline and sensitive areas. What makes one slope subject to erosion while a similar slope not located on the PAS is free to be terra-formed. What makes one area sensitive on the PAS while a similar landscape can have a manicured lawn to the waterline? Actions should include all Bass Lake Township residents since the watershed receives run-off from ALL residents.

What is Bass Lake Township doing to address the shoreline erosion caused by high water levels? No vegetative cover will prevent shoreline erosion when the shoreline is undermined from high water levels. We have witnessed erosion ONLY resulting from this high water level erosion mechanism. While the board is attempting to penalize all for the negligence of one person, what are they doing to address their own negligence as it pertains to high water levels? Should we expect turnover on the board to hold those members accountable?

Many of these questions have been asked previously and without response. This could simply be resolved by transferring the property to the adjacent owner. As a person you all represent, I urge you to either grandfather all existing exclusive uses and pass the ordinance for ALL Bass Lake Township residents or transfer the property to the adjacent owners and assess the appropriate taxes.

Why would the board of Bass Lake Township attempt to create an ordinance for the PAS when the ordinance itself reflects laws that are already enforceable and under the jurisdiction of the DNR? I can only think of one reason. It is appropriate on the weekend of July 4th we reflect on

what one of our founding fathers said: "Experience hath shewn, that even under the best forms of government those entrusted with power have, in time, and by slow operations, perverted it into tyranny" - Thomas Jefferson.

Michael Hackbarth

**Erica Warshawsky**

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**From:** "Rob Wamstad" <rob54wams@gmail.com>  
**Date:** Monday, July 04, 2016 10:28 AM  
**To:** <ericaw@basslakewi.gov>; <conservationstrip@gmail.com>  
**Subject:** Reserve Strip

I am addressing this letter to all the board members of Bass Lake Township.

As a resident of Bass Lake Township and also a property owner affected by the reserve strip issue, I would like to see closure to this issue once and for all. We have owned property at 14260w Poplar since 1990 and we have always had a "use it like it's yours attitude" from the township. We have invested money in rip-rap on the shoreline and have done what we could to keep the bank from eroding. When we bought this property I removed over 70 tires from the shoreline, also at my own expense. I feel the bank in front of our cabin is now more secure than when we bought. My feelings are that the board should first look at how this strip of land could be turned over to the people that have property adjacent to it. It would alleviate the need for multiple ordinances for the township to try and control a strip of land that in reality is only going to be used by the affected homeowners. The property in front of my cabin is not even usable unless you are on the stairs to get up and down the bank. My cabin, built in 1955, is only 6 feet from the edge of the bank and it should be grandfathered in. Any ordinance that allows anyone other than me to walk in front of my cabin will be contested legally, and as a resident and taxpayer of the township, I would not like to see money wasted by the board on property they do not have a use for. Let's do the right thing and find a way to get this done. I can be a better steward of the bank by installing more rip-rap and working with the DNR on ways to fight the erosion, something the township does not have the funds for. Instead of thirty minutes for owners to air their concerns, let's set up meetings that allow enough time to address a problem that is way overdue in ending this issue once and for all. Please post this with the letters concerning the reserve strip.

Thanks,

Rob and Jeanne Wamstad

7/5/2016

July 6, 2016

To: Town of Bass Lake Board of Supervisors

From: Kimberly Wiederin, Property Owner

Subject: Bass Lake Township Regarding Public Access Reserve Strip Ordinance

Dear Bass Lake Town Board:

As I continue to read and learn more about the requests from various residents, associations, members of the Bass Lake Board, and others who are concerned regarding the status and outcome of the public access reserve strip ordinances, I have concern as a handicapped resident. I want to ensure that as a property owner that I have the ability to use the property, as intended. There is a lot of discussion about lifts, stairs, etc. and I'm concerned that ordinances are being discussed/proposed without consideration for disabled. With that said, I feel it is important to ensure the Americans with Disabilities Act (ADA) be part of the discussion/decision re: use and access.

I have been in contact with the U.S. Department of Justice Civil Rights Division, regarding the ADA standards and compliances. After a lengthy discussion, I have been advised to ask who the Bass Lake Township "ADA Coordinator" is and what their role has been in the discussions for the public access reserve strip ordinances? If the Bass Lake Township doesn't currently have an ADA Coordinator Representative, one should be assigned for input to ensure ADA standards and compliances are being considered.

Please respond back to my husband (Randy Wiederin--(651) 295-6246) or myself on the board's feedback on who has been assigned as the ADA Coordinator Representative. Please forward the representatives contact information to me, so I can discuss my rights and ensure the proper guidelines are being enforced and no individuals with handicaps are being discriminated as the ordinances are being set forth by the Bass Lake Township.

Sincerely,

Kimberly Wiederin

[kwiederin@hotmail.com](mailto:kwiederin@hotmail.com)

(612) 247-8946

References: U.S. Department of Justice  
Civil Rights Division  
950 Pennsylvania Avenue, N.W.  
Disability Rights Section - NYAV  
Washington, D.C. 20530

**Erica Warshawsky**

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**From:** "Paul Ostroot" <conservationstrip@gmail.com>  
**Date:** Wednesday, July 06, 2016 12:36 PM  
**To:** <ericaw@basslakewi.gov>  
**Subject:** Fwd: Public Hearing on the Town of Bass Lake Reserve Strips

Hi Erica -

Gail Castriota would like her letter to be posted on the BLT website.

Thanks you,  
Paul Ostroot

----- Forwarded message -----

From: <gcastriota@aol.com>  
Date: Wed, Jul 6, 2016 at 11:36 AM  
Subject: Fwd: Public Hearing on the Town of Bass Lake Reserve Strips  
To: [conservationstrip@gmail.com](mailto:conservationstrip@gmail.com)

Hi Paul,

I just wanted to go on record, with the email I sent to Erica Warshawsky last August. I believe it was read at the meeting, but it was never posted on the website. Like I stated in my email: The tone of the proposed ordinance and other documents appear personal and punitive at the very least and borders on harrasment and antagonism. As I see it, very little changed since then.

Obviously, the Supervisors for Bass Lake Township have total disregard for the people they claim to represent.

As others have stated, why is protecting the shoreline in this area a bigger issue than on other parts of the lakes? After all, there are boathouses and stairways sitting at the water's edge all around the lakes.

I truly am sorry that I can't make this meeting.

Best regards,

Gail Castriota

-----Original Message-----

From: gcastriota <gcastriota@aol.com>  
To: ericaw <ericaw@basslakewi.gov>  
Sent: Mon, Aug 24, 2015 10:41 am  
Subject: Fwd: Public Hearing on the Town of Bass Lake Reserve Strips

Town Board, Town of Bass Lake, Sawyer County, WI:

7/7/2016



We are unable to attend the meeting regarding the public reserve strip ordinance on August 25, 2015 at 6 PM. Like many of our neighbors in the First Addition to Abendpost Beach, we use our home seasonally, live out of state and work full time. A Tuesday night meeting is difficult to attend.

Our great-grandfather purchased our lots with a subscription to the Abendpost Newspaper in 1928. Our home was built in the early 1950's by our grandparents and substantially improved in the late 1970's by our parents. We are now the 4th generation conservators of the property.

Many of the structures and boathouses dotting the lakeshore were built 60-80 years ago. Forcing the removal of these structures may cause detrimental destabilization of the shoreline and great harm to the lake. These structures were built well before the Sawyer County Zoning Shoreland-Wetland Protection Ordinance of September 20, 2012 and should be grandfathered in providing they are maintained and not in disrepair. Certainly, any structures built after that date without appropriate variances, would be in violation and handled accordingly.

In reviewing the ordinance regarding the Public Reserve Strips, several questions come to mind:

- If the Town of Bass Lake, Sawyer County, WI is the legal property owner of the reserve strips and therefore the lake frontage, why do we pay higher property taxes than a property off the water?
- If the Town of Bass Lake, Sawyer County, WI is the legal property owner, are they prepared to pay to have dead trees/limbs and storm damaged trees removed when an imminent liability exposure exists? Will the Town of Bass Lake or the property owner pay for damage to people or property if one of the trees on the reserve strip falls?
- If the Town of Bass Lake, Sawyer County, WI is the legal property owner, should ice damage the shoreline, causing trip hazards and other damages, whose responsibility is it to have repaired? If it is to be left alone, will the Town of Bass Lake, Sawyer County, WI accept the liability should someone be injured in a trip and fall accident?

Northwoods Beach was platted in a grid pattern with the streets perpendicular to the lake running to the water. These streets have not been maintained. Our home abuts one such access, Grant St. Many years ago, the County would bring a load of sand and dump and spread it providing a public beach access, but that was in the 1960's. For the last 30+ years, we have mowed the weeds to keep it from becoming an overgrown eyesore and dumping ground. Why not spend whatever limited resources the township has on maintaining and protecting these public accesses?

The tone of the proposed ordinance and other documents appear personal and punitive at the very least and borders on harassment and antagonism.

As 4th generation homeowners in Northwoods Beach, we want to preserve and protect our lake and property. There are however bigger issues facing us including derelict, neglected and overgrown properties and crime.

Serving on a Board of Directors can be a thankless, daunting task, putting principles before personalities and leaving personal agendas behind. We trust you will take the homeowners concerns seriously and do what is best for the community.

Respectfully,

Gail Castriota, Trustee of the  
Marie A. Castriota Trust

July 6, 2016

Town of Bass Lake Board Members

RE: Draft Ordinance regarding Public Reserve Strip (PAS) located in Northwoods Beach

We have been property owners since 1989, we are very concerned with the way this matter is being pursued, and rushed through without due consideration of matters raised in past meetings, the 1967 lawsuit, state laws and DNR jurisdiction. We feel the vote on this should be delayed for at least another one or two months which will allow the matter to be addressed thoroughly by the affected owners. The PAS has been in place for decades, and the Bass Lake Township Board has had decades (since the 1967 lawsuit) to further address this matter but has chosen a hands off approach. As long time property owners and tax payers we feel we deserve this consideration.

In our opinion the draft ordinance is more of a punitive action against the PAS owners because of the negligent action of one individual then to protect lakeshore. If the intent is to protect the lake then the ordinance needs to apply equally across the board to all lakeshore property owners. There are also state laws and DNR regulations that are not even being provided for in the ordinance.

The PAS is a very small fraction of the lakeshore. The proposed removal of many structures seems to be contrary to protective laws and may seriously comprise the integrity of the slopes; the proposed enforcement protocol is also an issue. Further, anyone who has viewed the PAS knows it is not "useable" land, the bank is so steep there is no way for the public to use this, a person cannot even walk along it and there is no beach, it is a rocky shoreline (when we even have a shoreline). The very high water level for the last two to three years has caused problems along the bank and needs to be addressed.

We do not believe the passage of the ordinance as proposed will benefit the township. We believe it will certainly decrease property values, there will be additional costs to the Township (such as the removal of fallen trees posing a hazard), the potential for litigation and other unforeseen costs. The cost effectiveness of each option needs to be considered. In this time of declining revenues to state and local government the Township really needs to evaluate if it wants to use taxpayer's money on land that is basically of no use or benefit to the Township.

We urge the Board to **vote to delay** this ordinance for a month or two, and work with the affected owners over the next month or two to either 1) pass an ordinance acceptable to all or 2) better yet, we believe the best option would be to convey the property to the respective owners, thereby getting it on the tax roles. It has no beneficial value to the Township at present and making it taxable is a positive for the Township and will put this matter finally to rest.

Respectfully,

Margaret (Peg) and Douglas Lindner

Updated July 6, 2016

~~November 2, 2015~~

To Bass Lake members:

I'm resending my original letter to be reposted again because our position remains the same and our conviction of doing everything within our legal right to ensure the rights of property owners are upheld. This is eerily similar to the days before our country's Independence from the British Empire where people held no land rights and also being imposed taxes on property the government claimed to own. I still can't believe so much time, money and resources has been wasted by the Bass Lake Council on this when you should be focusing on more important things that benefit the whole and not just a few people with outside interest or a few Council members. I'm restating my original letter because evidently it really wasn't read or heard by the Council.

My grandfather and father had been coming up to the Bass Lake area since the 1930's. My family has been coming up there for over 85 years. My grandfather personally built that boathouse on our land back in the 1940's at a time when they could. This proposal of requiring existing boathouses or shed's or any type of building to be torn down is not within your authority or legal ability. Bass Lake has also been taxing us on that property for many many years which you need to consider and tread lightly if you move forward with that proposal. It is my family's position that when our boathouse was built over 75 years ago that it grants us to be grandfathered from any proposals or requires making us take down any establishment and/or property. I'm not sure why Bass Lake thinks they have the authority or ability to tell a property owner they have to take down personal property especially one that has been in existence for over 75 years. It would be our position that if this does occur then **any and all building including cottages** that are close to the shoreline will also need to be removed. If Bass Lake proceeds with any such proposal I will ensure that any and all legal recourse against Bass Lake and its Board Members will be taken. It is of course an action I would prefer not to take but will take whatever steps necessary to preserve something that my grandfather personally built in order to keep it in the family. I can be reached at 224-475-8030 or my email address (j.utzig@comcast.net), if you would like to discuss further. I am requesting this letter be posted on the Bass Lake website along with the other letters that have been posted. Thank you for your time and hopefully you give great consideration as to what I have stated above.

**Erica Warshawsky**

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**From:** "carole" <c\_mickschl@hotmail.com>  
**Date:** Wednesday, July 06, 2016 10:36 PM  
**To:** <ericaw@basslakewi.gov>  
**Cc:** <conservationstrip@gmail.com>  
**Subject:** Town of Bass Lake Reserve Strip Ordinance

Please copy and distribute this letter to each town supervisor. In addition, I would like my letter read aloud at the next Town of Bass Lake Meeting on July 11th, 2016.

As a long time homeowner on the Public Access Strip (PAS) also having grandparents and parents on the PAS, we have watched over many years the many, many LCO homeowners tear down trees, build elaborate boathouses, expansive docks, walkways, and sweeping lawns. It seems ludicrous that only those on land with the reserve strip should be required and responsible for good land and water management of their shoreline and water quality of the entire lake.

For over 45 years I watched my grandparents and parents practice good stewardship of the land and lake frontage by preventing erosion, maintaining natural slope and shoreline including building up rip rap at our expense and toil.

Subsequently I have owned my own property on the PAS for 28 years and followed their example of stewardship. A previous owner of our property used a roll a dock that he pulled up our very steep hill (over 45 steep steps) and tied to a tree. We eliminated this dock immediately and created a small retaining wall and deck for our kayaks to prevent further erosion and damage. We have steadily built up rip rap to repair the shoreline and prevent further loss done by the excessively high water the last 2 yrs. I complained of this in a previous letter this year.

NEVER has the Town of Bass Lake taken any steps to be stewards of this land they claim to own. Never have "these non existent people" whom this land was supposedly reserved for been interested in navigating this steep hill with no beach. If they had existed, most likely they would not have been good stewards of these hills and lakeshore as we have been.

I urge the Town of Bass Lake to either delay the vote on this ordinance so that a less punitive ordinance can be written that affects all lake shore owners on LCO to maintain the integrity of this lake or immediately abandon these reserve strips to the homeowners that have maintained them for the Town of Bass Lake.

In addition, we homeowners and taxpayers have never received any information of this ordinance proposal either by mail or any other form of communication especially when it affects us directly. It makes one think that the Town of Bass Lake was going to try to sneak something past us without due process.

Sincerely,  
Carole Mickschl

7/7/2016